

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**WILLIAM E. MARTIN,**

**Plaintiff,**

**vs.**

**Case No.: 2:17-cv-1145  
JUDGE GEORGE C. SMITH  
Magistrate Judge Deavers**

**JOHN R. KASICH, et al.,**

**Defendants.**

**ORDER**

On January 9, 2018, the United States Magistrate Judge issued an *Order and Initial Screen Report and Recommendation* recommending that Plaintiff's Motion for Leave to Proceed In Forma Pauperis be granted and that Plaintiff's Complaint be dismissed for failure to state a claim. (*See Report and Recommendation*, Doc. 5).

The parties were advised of their right to object to the *Order and Initial Screen Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Order and Initial Screen Report and Recommendation*. (*See* Doc. 6). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In his objections, Plaintiff asks for counsel to be appointed because he is losing his eyesight and is disabled. However, due to the recommendation that this matter be dismissed, the Court does not find that counsel should be appointed in this case and the request is denied. Plaintiff also raises a new claim that was not asserted in his Complaint, that Defendants have denied him his civil rights in post-deprivation remedies. Plaintiff asserts that he is currently under no sentence in Ohio and should be free. However, this Court has no authority over the

State of Ohio Parole Board. Further, this issue is not properly before the Court as it was not plead, not considered by the Magistrate Judge in the *Order and Initial Screen Report and Recommendation*.

Therefore, for the reasons stated above and as set forth in detail in the *Order and Initial Screen Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Order and Initial Screen Report and Recommendation*, Document 5, is **ADOPTED** and **AFFIRMED**. Plaintiff's Complaint is hereby **DISMISSED** for failure to state a claim.

The Clerk shall remove Document 5 from the Court's pending motions list. The Clerk shall terminate this case.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**